KARDARAS & KELLEHER LLP 44 Wall Street New York, NY 10005 (212) 785-5050 Attorneys for Defendant SHENZHEN HIGH POWER TECHNOLOGY CO. LTD.

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

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ENERGIZER S.A.,

Plaintiff, : 07 CV 7406 (LTS)

Against : ECF CASE

M/V YM GREEN her engines, boilers and : ANSWER TO CROSS-CLAIM

Tackle in rem; YANG MING MARINE
TRANSPORT CORP.; YANGMING (UK) LTD.;

OF DEFENDANTS CONTERM
HONG KONG LTD. AND

ALL OCEANS TRANSPORTATION INC.; VANGUARD LOGISTICS

KAWASAKI KISEN KAISHA LTD.; CONTERM: SERVICES HONG KONG LTD.

HONG KONG LTD.; VANGUARD LOGISTICS

SERVICES HONG KONG LTD.;

FIEGE GOTH CO., LTD.; and SHENZHEN HIGH POWER TECHNOLOGY CO. LTD. :

Defendants. :

Defendant SHENZHEN HIGH POWER TECHNOLOGY CO. LTD. ("High Power"), by its attorneys Kardaras & Kelleher LLP, as and for its answer to cross-claim of defendants Conterm Hong Kong Ltd. ("Conterm") and Vanguard Logistics Services Hong Kong Ltd. ("Vanguard")

contained in the answer to plaintiff's complaint allege upon information and belief as follows:

1. Denies each and every allegation contained in paragraphs 28 and 29 of the crossclaim of defendants Conterm and Vanguard insofar as it refers to defendant High Power, and denies knowledge or information sufficient to form a belief as to the remaining defendants.

Filed 02/28/2008

## AS AND FOR A FIRST AFFIRMATIVE DEFENSE

Defendant High Power claims the benefit of all defenses raised by co-defendants 2. and plaintiff in its response to cross-claims and counterclaims as well as its defenses set forth in its answer to plaintiff's complaint insofar as said defenses may be applicable to defendant High Power.

WHEREFORE, Defendant High Power prays that the cross-claim of defendants Conterm and Vanguard be dismissed with prejudice, together with costs, disbursements and attorney's fees and for such other and additional relief as to the Court may seem just and proper.

Dated: New York, NY February 28, 2008

Respectfully submitted,

KARDARAS & KELLEHER, LLP 44 Wall Street New York, NY 10005 Attorneys for Defendant SHENZHEN HIGH POWER TECHNOLOGY CO. LTD.

By:

William P. Kardaras (WK-8835)

To: HILL RIVKINS & HAYDEN LLP

> Attorneys for Plaintiff 45 Broadway, Suite 1500 New York, NY 10006

CICHANOWICZ CALLAN KEANE VENGROW & TEXTOR LLP Attorneys for Defendants YANG MING MARINE TRANSPORT CORP., YANGMING (UK) LTD. and ALL OCEANS TRANSPORTATION, INC. 61 Broadway, Suite 3000 New York, NY 10006

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313 E. 38<sup>th</sup> Street
New York, NY 10016

LENNON MURPHY & LENNON Attorneys for Defendant FIEGE GOTH CO. LTD. The Greybar Building 420 Lexington Ave., Suite 300 New York, NY 10170

## CERTIFICATE OF SERVICE BY REGULAR U.S. MAIL AND BY ECF

The undersigned declares under penalty of perjury that the following is true and correct:

- 1. I am over the age of eighteen years and I am not a party to this action.
- 2. On February 28, 2008, I served a complete copy of SHENZHEN HIGH POWER TECHNOLOGY CO. LTD.'s Answer to Cross-Claim of Defendants Conterm Hong Kong Ltd. and Vanguard Logistics Services Hong Kong Ltd. by regular U.S. mail and/or by ECF, to the following attorneys at their respective ECF registered address and/or at the following address:

HILL RIVKINS & HAYDEN LLP Attorneys for Plaintiff 45 Broadway, Suite 1500 New York, NY 10006

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313 E. 38<sup>th</sup> Street
New York, NY 10016

Dated: New York, New York February 28, 2008 LENNON MURPHY & LENNON Attorneys for Defendant FIEGE GOTH CO. LTD. The Greybar Building 420 Lexington Ave., Suite 300 New York, NY 10170

Dorothy A. Donnelly